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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,966	02/14/2006	Heikki Korva	01329/0203925-US0	8885
7278	7590	06/15/2007		
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER HANNON, CHRISTIAN A	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 06/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Office Action Summary</p>	Application No. 10/568,966	Applicant(s) KORVA ET AL.	
	Examiner Christian A. Hannon	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/14/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 2/14/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Specification

3. The disclosure is objected to because of the following informalities: On page 3 of the specification, the 2nd paragraph from the bottom, second line recites "which is fastened to it by clueing." It is believed by the examiner that this should read " which is fastened to it by *gluing*." Also in the bottom paragraph 2nd to last line recites "a figure looking like a round" It is believed by the examiner that this should read "a figure looking like a *rectangle*". Supported by the rectangle like element 220 of figure 2b.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-2, 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaiponen et al (US 7,054,671), hereinafter Kaiponen.

Regarding claim 1, Kaiponen teaches a cover structure for a radio device, comprising a conductive planar component and a dielectric planar component, which radio device has a planar antenna, a radiating element of which said conductive planar component is characterized in that, the dielectric component comprises a first part (Figure 2, Item 245), upper surface of which is part of upper surface of the cover structure, and a second part (Figure 2, Item 218), which is located under the conductive component against its lower surface and on lower surface of the second part of the dielectric component there is a conductive element (Figure 2, Item 216), when

connected to the radio device, together with the conductive component of the cover and the ground plane of the planar antenna, forms a resonator that oscillates on at least one operating band of the radio device (Column 1, Lines 6-12). The currently recited claim language fails to define over Kaiponen as the examiner has interpreted the 'cover' to recite any element that covers internal circuitry. It is also important to note Figure 5 of Kaiponen as it depicts the relative upper and lower portions of the technology. The upper side here is defined as the side housing the window element 508d of figure 5, the lower side containing the battery item 505.

Regarding claim 2, Kaiponen teaches claim 1, characterized in that the first part of the dielectric component is a window of the second display. When assembled item 545 of figure 5 (Figure 2, item 245), becomes a component of the window and therefore is an integral part of the window. The examiner has the LCD screen as the first display and the key pad (Item 572-575, Figure 5) as the second display, as the claim language is silent on exactly what type of display is being claimed.

Regarding claim 4, Kaiponen teaches claim 1, characterized in that said conductive component is part of a rear part of the cover of a radio device and the dielectric forms the rest of the rear part of the cover of the radio device (Figure 5, Item 504 & 516). Kaiponen teaches that Items 516 and 504 make up a cover when pictorially imploded.

Regarding claim 5, Kaiponen teaches claim 1, characterized in that there is adhesive material at the junction between the conductive component and the dielectric component (Column 5, Lines 22-24).

Regarding claim 6, Kaiponen teaches claim 1, characterized in that the materials of the conductive component and the dielectric component are mixed together at their junction (Column 5, Lines 22-24). Here the examiner has interpreted mixing as gluing.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiponen in view of Kuriyama et al (US 2002/0068602), hereinafter Kuriyama.


Regarding claim 3, Kaiponen teaches the device of claim 2, characterized in that it has an opening a size of the window for the second display for that window, and the second part of the dielectric component surrounds the opening (Figure 5, Items 508d & 545; Kaiponen). However Kaiponen fails to teach wherein the radio device is of the foldable type having a first and second turning part, characterized in that said conductive component extends over a rear part of the first turning part. Kuriyama teaches a radio device of the foldable type having a first and second turning part characterized in that a conductive component extends over a rear part of the first turning part (Figure 3A, Items 11A, 11B, 12 & 13A; Kuriyama). Therefore it would have been obvious to implement the teachings of Kuriyama with those of Kaiponen in order to provide a more compact style of phone.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian A. Hannon whose telephone number is (571) 272-7385. The examiner can normally be reached on Mon. - Fri. 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


C. A. Hannon
June 7, 2007


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